

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK

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CORNING INCORPORATED,

Plaintiff,

vs.

DONGGUAN JINGBO OPTOELECTRONICS CO.,  
LTD.,

Defendant.

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**DEFENDANT'S NOTICE OF  
MOTION TO DISMISS  
PURSUANT TO FRCP 12(b)(6)**

**Civil Action No.: 6:18-cv-06866**

PLEASE TAKE NOTICE that for the reasons set forth in its accompanying Memorandum of Law in Support of its Motion to Dismiss Plaintiff's Complaint, Dongguan Jingbo Optoelectronics, Co., Ltd. ("Jingbo") respectfully moves this Court for an order pursuant to Federal Rule of Civil Procedure 12(b)(5) and 12(b)(6) dismissing the Complaint in its entirety, and granting such other and further relief as the Court deems just and proper. As grounds for its request, Jingbo states that Plaintiff Corning Incorporated fails to state a claim upon which relief can be granted, and that Plaintiff Corning Incorporated did not properly serve Jingbo with the Complaint.

Jingbo anticipates it will file and serve a reply in support of its motion. Jingbo requests oral argument.

Dated: March 16, 2020

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Respectfully submitted,

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